

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLEVELAND EVANS,

Plaintiff,

No. CIV S-04-2151 LKK GGH P

vs.

JEANNE WOODFORD, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

By order filed September 12, 2005, plaintiff's claims against defendants Woodford and Knowles were dismissed and thirty days leave to file a third amended complaint was granted with respect to any claim by plaintiff as to Woodford and Knowles. The thirty day period has now expired, and plaintiff has not filed a third amended complaint. By separate order, the court has found the second amended complaint states a colorable claim against another individual, defendant Nicholas. For the reasons set forth in the September 12, 2005 order, the court now recommends dismissal of defendants Woodford and Knowles.

Accordingly, IT IS HEREBY RECOMMENDED that defendants Woodford and Knowles be dismissed from this action.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty

1 days after being served with these findings and recommendations, plaintiff may file written  
2 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
3 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
4 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
5 F.2d 1153 (9th Cir. 1991).

6 DATED: 11/29/05

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8 /s/ Gregory G. Hollows

9 UNITED STATES MAGISTRATE JUDGE  
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